



OCT 01 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112-3801

In re Application of	:	
ISONO et al.	:	
Application No.: 09/719,523	:	DECISION ON PETITION
PCT No.: PCT/JP99/05473	:	
Int. Filing Date: 10 May 1999	:	UNDER 37 CFR 1.182
Priority Date: 10 June 1998	:	
Attorney Docket No.: 862.C1692	:	
For: METHOD OF CONTROLLING IMAGE	:	
DISPLAY	:	

This is a decision on applicants' "Corrected Response to Notification of Missing Requirements under 35 U.S.C. 371" filed on 25 April 2001 in the above referenced application and treated as a petition under 37 CFR 1.182. A petition fee of \$130 is required and charged to applicant's deposit account no.06-1205 per their authorization.

BACKGROUND

On 02 March 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and surcharge for filing the oath or declaration after the thirty month period were required.

On 29 March 2001, applicants filed a response to the Notification of Missing Requirements along with a combined declaration and power of attorney and the surcharge for filing the declaration after the thirty month period. The declaration referenced application no. 09/719,523; however, the response and the return post card receipt incorrectly referenced application no. 09/791,523. The postcard bore the attorney docket number for application no. 09/719,523.

On 25 April 2001, applicants submitted the instant petition treated as a petition under 37 CFR 1.182 along with a copy of the itemized postcard receipt date-stamped "Mar 29 2001" and a copy of the declaration allegedly deposited on 29 March 2001.

DISCUSSION

A review of the USPTO date-stamped, itemized postcard receipt indicates that the declaration for 09/719,523 and check in the amount of \$130 was deposited with the USPTO on 29 March 2001.

A review of the finance records for 09/791,523 indicates that the surcharge for filing the declaration after the thirty month period (\$130) was paid on 29 March 2001. Upon a review of the application file for 09/791,523, the declaration for 09/719,523 was located. The declaration was dated stamped by the USPTO on 29 March 2001. Accordingly, it is appropriate to docket the declaration in 09/719,523 with a deposit date of 29 March 2001.

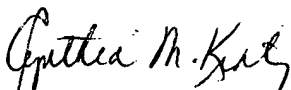
The transmittal letter of 29 March 2001 identified the U.S. national stage application number as 09/791,523. The declaration was timely filed and therefore, no extension of time is necessary. However, a petition fee of \$130.00 is charged to applicants' deposit account no. 06-1205 to correct the incorrect application number which appeared on the 29 March 2001 transmittal letter.

CONCLUSION

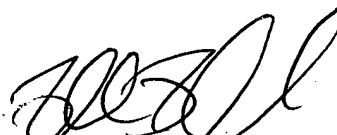
The petition under 37 CFR 1.182 to correct the U.S. application number on the response is **GRANTED**.

The application has an international filing date of 05 October 1999 under 35 U.S.C. 363 and a **35 U.S.C. 371(c) date of 29 March 2001**.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision. The application will then be forwarded to the appropriate Technology Center for examination in due course.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office



Richard R. Cole
Legal Examiner
PCT Legal Office

CMK/RRC:cmk

Telephone: (703) 306-5467